

REMARKS

By the above actions, claims 1, 3, and 7-9 have been amended and new claims 11 and 12 presented. In view of the actions taken and the following remarks, reconsideration of this application is requested.

Claims 1-10 have been rejected under 35 USC § 112 for indefiniteness due to the term "may be" in claim 1. However, this term is not present in claim 1 so that it has been assumed that just the word "may" was intended. Thus, the word "may" has been changed to -can be- in claims 1, 3, and 7-9. Accordingly, withdrawal of this rejection is in order and is requested.

Claims 1, 2, 6, 8 and 10 have been rejected under 35 USC § 102 as being anticipated by the disclosure of the Svoboda European patent application, while claims 3, 4, 7, and 9 were rejected under § 103 as being unpatentable over this reference. These rejections are inappropriate for the following reasons.

The Svoboda patent application is one of the prior art devices described in the specification of this application (see the paragraph spanning pages 1 and 2 and the first full paragraph of page 2) which has the structure and associated drawbacks that have been described by the present applicants. In particular, the submerged evaporator arrangement of the Svoboda patent application takes up a lot of space height-wise, has a reduced efficiency, and reduced capacity. Furthermore, as can be seen in the drawings of the present application, and as claimed, the applicants' plate heat exchanger is disposed *within the bottom end* of their casing while the drawings of the Svoboda patent application show their heat exchanger to be spaced well above the bottom end of his casing, this being necessary in the embodiment of Figs. 1 and 2 due to the fact that the entrance connecting piece 2 projects into the bottom end of Svoboda's casing and such is necessary in the embodiment of Figs. 3 and 4 of the Svoboda patent application due to the presence of the displacement bodies 9.

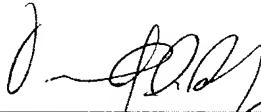
Furthermore, the elongated end plates his plate heat exchanger preclude it from substantially following the lower contour of the bottom end of the casing. In addition to these distinctions which are reflected in claim 1, the longitudinal guide plates extending from an area in the vicinity of the top side of the plate heat exchanger and downwards against the bottom end of the casing as recited in claim 3 and no reason to do so exists and to do so would interfere with the inflow from inlet 2 and the circulation around the end plates represented by the arrows in connection with both embodiments.

As for new claims 11 and 12, the features of these claims clearly are not taught or suggested by the Sovoboda device which lacks a cylindrical casing and partially cylindrical heat exchanger as recited in claim 11 and his heat exchanger does not essentially entirely fill the submerged portion of his casing as recited in claim 12, a feature which is disclosed on lines 29-31 of page 8 as serving to reduce the amount of primary refrigerant required.

Claim 5 has been rejected under 35 USC § 103 based on the combination of the Sovoboda with the Ertinger patent. However, since Ertinger does not relate to a submerged evaporator and since this reference also lacks the features of applicants' claimed invention that have been described above as being absent from the device of the Sovoboda reference, no combination of these references could lead to the present invention. As such, these rejections under § 103 should be withdrawn for the same reasons as the rejections based upon the Sovoboda by itself.

While this application should now be in condition for allowance, in the event that any issues should remain after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for that purpose.

Respectfully submitted,

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